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To	Examiner Ellen M. McAvoy	From	SARITA R. KELLEY
Company	US Patent & Trademark Office – Group Unit 1764	Date	November 19, 2004
Fax	1-703-872-9306	Pages	55 (including cover – part 1 of 2)
Re	USSN 10/006,817 filed Nov-9-2001	Urgent	X Routine

Dear Examiner McAvoy – We are sending the attached materials by facsimile because we are unable to email them to you. We keep getting error messages of delivery failure from postmaster@uspto.gov.

For confirmation or problems with transmission, contact:
Diane Dunn at 925-842-1633

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Kelley, Sarita (SRKE)

From: Kelley, Sarita (SRKE)
Sent: Friday, November 19, 2004 2:39 PM
To: 'ellenmcavoy@uspto.gov'
Cc: Dunn, Diane D
Subject: MATERIALS FOR INTERVIEW ON SERIAL NO. 10/006,817, FINAL REJECTION RESPONSE

Dear Examiner McAvoy,

Thank you for returning my call and agreeing to an interview re the subject matter.

As discussed during our telephone conversation, attached are the following 4 documents to help us with the interview and explain Applicants' position:

- A Summary for the interview.

EXAMINER'S ITERVIEW.doc (44 K

- Two sales brochures on alpha olefins.

Alpha Olefins.tif (2 MB)

- A sales brochure for poly(isobutene-co-maleic anhydride) resins (ISOBAM). I apologize for the typographical error in the title "Isomab" of the attached document. It should read Isobam.

Isomab.tif (468 KB)

I will be out of the office all next week, returning on November 29. If you require anything additional to assist you in the interview, please let me know and I will send it to you by e-mail on my return to the office. I can be reached by return e-mail or by telephone at 925-842-1538.

Please let me know when you are available between December 1 and December 14 for a short interview. Thank you for your time and assistance in the furtherance of the prosecution of this case.

Very truly yours,

Sarita Kelley
Attorney for Applicants

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Summary for Interview with Examiner McAvoy re final rejection for 10/006,817

Rejections under 35 U.S.C. §103(a)

Claims 1-25 (Ruhe et al)

Examiner's Position

Examiner maintains the position that the oligomeric copolymer of Ruhe, Jr. meets the limitations of the copolymers of independent claims 1 and 14 when n is 1 and m is 1. The Examiner further states that use of low molecular weight polyisobutene having a molecular weight of about 448 or less is "not deemed to be persuasive of patentability of the claims at issue because there is still an overlap in the claimed invention of a polyisobutene having less than 32 carbon atoms and Ruhe, Jr. which teaches a polyisobutyl having at least 30 carbon atoms for the same component."

Proposed options to place independent claims 1 and 14 in condition for allowance or clarification for appeal:

- Amend independent claims 1 and 14 to include the limitation of claims 2 and 3 into claim 1, i.e., "one of R_1 and R_2 comprise methyl and the other of R_1 and R_2 comprises polyisobutyl having about 5 to about 25 carbon atoms" from claim 2, and "liquid at ambient temperature" from claim 3. Delete claims 2 and 3. Also, make all former dependent claims dependent from claims 1 and 14 now dependent from amended claims 1 and 12.
    - Amended independent claims 1 and 12 are outside the scope of Ruhe because one R_1 and R_2 is polyisobutyl having about 5 to about 25 carbon atoms.
- Amend independent claims 1 and 14 to limit R_2 comprising polyisobutyl having about 8 to about 28 carbon atoms and include the limitation of claim 3 into claims 1 and 14, i.e., "liquid at ambient temperature." Leave claims 2, 4-13 and 15-25 in original form. Support for polyisobutyl having about 8 to about 28 carbon atoms is found on page 16, lines 14 and 15 of the specification.
    - Amended claims 1 and 12 are outside the scope of Ruhe because R_2 is polyisobutyl having about 8 to about 28 carbon atoms.

Either of the two options should be sufficient to overcome Ruhe.

Claims 26-50 (Harrison et al)

Examiner's Position

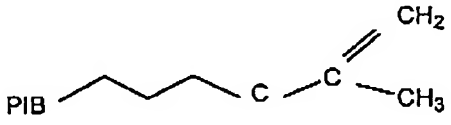
The Examiner maintains the position that the polyalkylene polysuccinimides set forth in the Harrison references appear to meet the limitations of the polymers in applicants' independent claim 26 and the process for preparing the polymers in dependent claims 35 and 37. The Examiner states that the use of the low molecular weight polyisobutene in the present invention instead of the alpha olefin in the Harrison references is not deemed to be persuasive because alpha olefin having 12 to 28 carbon atoms of Harrison is seen to be indistinguishable from the polyisobutylene having less than 32 carbon atoms in applicants' invention. "Polyisobutylene is an example of an alpha olefin. Indeed, Harrison teaches in column 12, lines 25-28 of ('892) that poly(isobutene-co-maleic anhydride) resins are an example of maliec anhydride alpha olefin copolymers which may be used to prepare the polymeric succinimides of the patented invention."

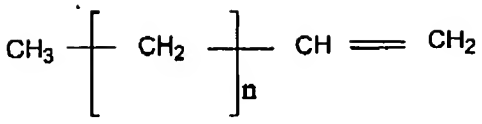
Proposal to place independent claims 26, 35 and 37 in condition for allowance or clarification for appeal:

- Amend independent claims 26, 35 and 37 to match changes made in amended claim 1. All claims depending from claims 26, 35 and 37 will remain unchanged.

Amended independent claims 26, 35 and 37 are unobvious over the Harrison references because:

- The polymer in independent claims 26, 35 and 37 is prepared from PIB/UAR copolymer, an alkenyl acid derivative and an amine. Claims 26, 35 and 37 are not obvious over Harrison ('892) because Harrison uses alpha olefin, not polyisobutyl to prepare the polysuccinimide. Alpha olefin and polyisobutyl are very different. A person of ordinary skill in the art would not think that the two are interchangeable. Although, they both have alpha double bonds, they are very different chemicals, because alpha olefin has only one substitution on the beta carbon while polyisobutyl has two.





- To help explain applicant's position, two sales brochures on alpha olefins are attached to this e-mail. See *Gulftene Alpha Olefins*, pages 1, 5, 7 and 9. See *Chevron Alpha Olefins and Derivatives*, pages 1, 5, 6-10 and the last few pages on specific product information.

- Cannot replace polyisobutyl in the polymer of independent claims 26, 35 and 37 with poly(isobutene-co-maleic anhydride) resins (ISOBAM) because:

    - R_1 and R_2 in ISOBAM are different from the R_1 and R_2 in the copolymer of the present invention.

        - In ISOBAM R_1 and R_2 are both methyl.

        - In the copolymer in independent claims 26, 35 and 37 of the present invention R_1 is methyl and R_2 is polyisobutene having about 5 to about 25 carbon atoms or about 8 to about 28 carbon atoms.

    - ISOBAM products are water soluble. The PIB/UAR of the present invention is essentially insoluble in water, but soluble in polar solvents.

    - ISOBAM products are solid, white powders at ambient temperature. The copolymer in independent claims 26, 35 and 37 of the present invention is liquid at ambient temperature.

- A sales brochure for ISOBAM is attached to this e-mail. See pages 1, 2, 5 and 6.